REMARKS

In view of the above amendments and the following remarks, further examination and reconsideration are respectfully requested.

I. Amendments to the Claims

Independent claims 1 and 8-10 have been amended to clarify features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejections discussed below.

Support for these amendments can be found, at least, in paragraphs [0023] and [0028]-[0030] and Figs. 5-7 of the originally filed specification.

II. 35 U.S.C. § 103(a) Rejection

Claims 1-5 and 7-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Suito (U.S. 2002/0054242) and Stella (U.S. 7,356,464). This rejection is believed clearly inapplicable to amended independent claims 1 and 8-10 and the claims that depend therefrom for the following reasons.

Amended independent claim 1 recites a detection device including a noise level detecting section that detects a noise level of audio data included in a program signal, and including a detection sensitivity determining section that determines a detection sensitivity (for detecting a particular program in the program signal) based on the detected noise level. In addition, claim 1 recites that the detection device includes a silent portion detecting section that (i) sets a minimum hold value as a threshold value, wherein the minimum hold value holds a minimum value of the audio data included in the program signal, and, during a period of time while the minimum value

is not detected in the audio data, the minimum hold value gradually increases from the minimum value at a predetermined rate with respect to an elapse of time, (ii) changes the predetermined rate of increasing the minimum hold value, such that after a minimum time (during which the particular program can be detected) has elapsed since a time when the audio data is the minimum value, the minimum hold value is clipped at an audio level determined by the determined detection sensitivity, and (iii) detects a silent portion of the audio data using the set threshold value.

Initially, the Applicants note that page 3 of the Office Action acknowledges that Suito fails to disclose or suggest above-mentioned features (i) and (ii). In view of the above, the present rejection of claim 1 relies on col. 4, lines 23-31 of Stella for teaching the features that are admittedly lacking from Suito.

However, Stella merely teaches that a silent portion is detected when a signal power level is below a given threshold, based on a duration of silence and at least one of (i) a local power linear deviation during the silence, (ii) a local power fall rate before the silence, and (iii) a local power rise rate at an end of the silence (see col. 4, lines 23-31). Specifically, it appears that Stella teaches that three parameters (i.e., local power linear deviation, local power fall rate, and local power rise rate) are applied to determine thresholds for detecting silence, wherein the parameters are related to changes in the audio signal.

Thus, in view of the above, it is clear that Stella teaches detecting silence using three parameters related to changes in the audio signal, but fails to disclose or suggest the silent portion detecting section that (i) sets a minimum hold value as a threshold value, wherein the minimum hold value holds a minimum value of the audio data included in the program signal, and, during a period of time while the minimum value is not detected in the audio data, the

minimum hold value gradually increases from the minimum value at a predetermined rate with respect to an elapse of time, and (ii) changes the predetermined rate of increasing the minimum hold value, such that after a minimum time (during which the particular program can be detected) has elapsed since a time when the audio data is the minimum value, the minimum hold value is clipped at an audio level determined by the determined detection sensitivity, as recited in claim 1.

In other words, even though Stella teaches detecting silence using three parameters related to changes in the audio signal, Stella still fails to disclose or suggest (i) setting the minimum hold value as a threshold value, wherein the minimum hold value gradually increases, and (ii) changing the rate of the increase of the minimum hold value according to the detection sensitivity, such that the minimum hold value is clipped after the minimum time has elapsed, as required by claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claims 2-5 and 7 would not have been obvious in view of Suito and Stella.

Furthermore, there is no disclosure or suggestion in Suito and/or Stella or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Suito to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claims 2-5 and 7 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 8, 9 and 10 are directed to a method, a program, and an integrated circuit, respectively and each recite features that correspond to the above-mentioned

distinguishing features of independent claim 1. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 8, 9 and 10 are allowable over Suito and Stella.

III. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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